



## Freedom of Information Request 1443/18

*Response Date: 17<sup>th</sup> January 2019*

I write to request information and records under the FOIA, regarding your force's use of consent statements when requesting, accessing, analysing and disclosing personal information from complainant's of sexual offences. Specifically, I am asking the following:

1. Does your force collect digital information from devices belonging to complainants of sexual offences? If yes, please provide:
  - i. The legal basis under which you are doing this
  - ii. Copies of any policy or guidance in relation to this practice
2. Does your force seek consent from complainants of sexual offences when requesting, accessing, analysing, or disclosing digital or personal information either from them or records from a third party organisation relating to them? For the avoidance of doubt, records from third party organisations includes but is not limited to medical records, counselling records, local authority records, educational records or rape crisis centre records. If yes, please provide:
  - i. A copy of the consent form/s or statement/s you use and require them to sign to show their consent
  - ii. A copy of any information provided to complainants about this process
  - iii. A copy of your policy or guidance in relation to this practice

### RESPONSE

South Wales Police continues to prioritise its response to allegations of sexual offences and actively encourages victims to have confidence in reporting these crimes. Our focus, together with our partner agencies is firmly on victim's needs and improving outcomes whilst increasing the number of offenders brought to justice.

South Wales Police has also invested in a POLIT team, (Police Online Investigation Team), which specialises in investigating internet based sexual offences. The force also has a Digital Forensics and Cyber Crime department to professionally support such investigations.

#### Question 1

Yes.

Continued.....

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South Wales Police welcomes receiving correspondence in Welsh and English.  
Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.



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### Question 1 (i)

Police and Criminal Evidence Act 1984 (PACE), Criminal Procedure and Investigations Act Code of Practice 1996 (CPIA), Criminal Justice and Police Act 2001, Regulation of Investigatory Powers Act 2000, Production Orders from Court.

### Question 1 (ii)

Please see the link to the Attorney Generals Guidance 2013 <https://www.gov.uk/government/publications/attorney-generals-guidelines-on-disclosure-2013> and the review in 2018 <https://www.gov.uk/government/publications/review-of-the-efficiency-and-effectiveness-of-disclosure-in-the-criminal-justice-system>

Supplementary Guidelines are as follows:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/16239/Attorney\\_General\\_s\\_guidelines\\_on\\_disclosure\\_2011.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/16239/Attorney_General_s_guidelines_on_disclosure_2011.pdf)

Please also see the hyperlink to Crown Prosecution Service guidance: <https://www.cps.gov.uk/legal-guidance/disclosure-guide-reasonable-lines-enquiry-and-communications-evidence>

### Question 2

Yes.

### Question 2 (i)

The Digital Forensics and Cyber Crime Unit (DFCCU) have a consent form in relation to digital devices for examination. A statement regarding consent is recognised good practice when third party material related to a complainant is required. A supporting letter is then sent to the holder of the third party material but they are under no statutory obligation to provide police with that material. Please see the attached document entitled 'DFCCU TF Fair Processing Notice'.

### Question 2 (ii)

No information pack exists so there is no information held to respond to this part of your request.

### Question 2 (iii)

Please see the documents provided in Question 1 (ii) and the link to judicial protocol 2013 <https://www.judiciary.uk/wp-content/uploads/JCO/Documents/Protocols/Disclosure+Protocol.pdf> Continued.....

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### Freedom of Information Request 1443/18

Please also see the link to 'A Protocol Between The Association of Chief Police Officers, The Crown Prosecution Service and Her Majesty's Courts and Tribunals Service to Expedite Cases Involving Witnesses Under 10 Years' [https://www.cps.gov.uk/sites/default/files/documents/publications/police\\_cps\\_hmcts\\_ywi\\_protocol\\_2105.pdf](https://www.cps.gov.uk/sites/default/files/documents/publications/police_cps_hmcts_ywi_protocol_2105.pdf)

In addition, please also see the attached guidance documents relating to third party issues entitled 'Third Party Disclosure Issues' and a 'Letter to Third Parties'.

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